

**FILED**

MAR 12 2014

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY SPM  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

UNITED STATES OF AMERICA )  
 )  
v. ) MO-13-CR-274 ✓  
 ) MO-14-CR-058  
JOSE LUIS SUAREZ )

**FINDINGS OF FACT AND RECOMMENDATION ON FELONY GUILTY  
PLEA BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On the 11<sup>th</sup> day of March 2014, the above-referenced causes came before the undersigned U.S. Magistrate Judge for Guilty Plea and Allocution of the Defendant **JOSE LUIS SUAREZ**<sup>1</sup> on **Counts ONE through SIX** of the **INDICTMENT**<sup>2</sup> filed in **Cause Number MO-13-CR-274** charging him in **each Counts ONE through SIX** with a violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2 and **Counts ONE and TWO** of the **INFORMATION**<sup>3</sup> filed in **Cause Number MO-14-CR-058** charging him in **each Counts ONE and TWO** with a violation of 26 U.S.C. § 7206(1). The Defendant signed a written consent to plead before the Magistrate Judge. After conducting said proceeding in the form and manner prescribed by FED.R.CRIM.P. 11 the Court finds:

a) that the Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a U.S. Magistrate Judge subject to final approval and imposition of sentence by the District Court;

*b) that the Defendant and the Government have entered into a plea agreement which has been filed and disclosed in open court pursuant to FED.R.CRIM.P. 11(c)(2); and,*

c) that the Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and the consequences of the plea,<sup>4</sup> and that the plea

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<sup>1</sup>The Defendant acknowledged that he has been charged under the true and correct name.

<sup>2</sup>The Defendant's plea agreement specifically states that the Defendant will waive any right to property referred to in the criminal forfeiture provisions of the Indictment filed in Cause Number MO-13-CR-274. The Defendant pled "true" to the allegations set forth regarding the forfeiture of personal property, as detailed in the plea agreement, that the property constitutes proceeds, or is derived from, the criminal activity documented in the Indictment.

<sup>3</sup>The Defendant signed and filed a Waiver of Indictment in Cause Number MO-14-CR-058.

<sup>4</sup>The Defendant was admonished as to the applicable statutory penalty ranges for **each of Counts ONE through SIX** of the **INDICTMENT** filed in **Cause Number MO-13-CR-274** of up to 20 years imprisonment, a maximum 3 years supervised release, a fine not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00), and a One Hundred Dollar (\$100.00) mandatory special assessment. **The Defendant was also admonished that he will be required to pay full restitution.**

of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

**IT IS THEREFORE** the recommendation of the undersigned U.S. Magistrate Judge that the District Court accept the plea agreement and the guilty plea of the Defendant **JOSE LUIS SUAREZ** and that **JOSE LUIS SUAREZ** be finally adjudged guilty of that offense.

The United States District Clerk shall serve a copy of this Proposed Findings of Fact and Recommendation on all parties electronically. In the event that a party has not been served by the Clerk with this Report and Recommendation electronically, pursuant to the CM/ECF procedures of this District, the Clerk is ORDERED to mail such party a copy of this Report and Recommendation by certified mail, return receipt requested. Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections within fourteen (14) days after being served with a copy unless the time period is modified by the District Court. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made; the District Court need not consider frivolous, conclusive or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on the Magistrate Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions and recommendation contained in this report shall bar the party from a de novo determination by the District Court. Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation contained in this report within fourteen (14) days after being served with a copy shall bar the aggrieved party from appealing the factual findings of the Magistrate Judge that are accepted or adopted by the District Court, except upon grounds of plain error or manifest injustice.

**SIGNED** this 12<sup>th</sup> day of March, 2014.



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**DAVID COUNTS**  
United States Magistrate Judge

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The Defendant was admonished as to the applicable statutory penalty ranges for **each of Counts ONE and TWO** of the **INFORMATION** filed in **Cause Number MO-14-CR-058** of up to 3 years imprisonment, a maximum 1 year supervised release, a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), and a One Hundred Dollar (\$100.00) mandatory special assessment. **The Defendant was also admonished that he will be required to pay full restitution.**

**The Defendant was further admonished that the U. S. District Judge may order his sentences to be served concurrently, consecutively, or a combination thereof.**